

Type: DEE
Kind: SPECIAL INSTRUMENT (DEED)
Recorded: 05/08/2014 09:05:09 AM
Fee Amt: \$52.00 Page 1 of 5
Montgomery County, OH
Willis E. Blackshear County Recorder
File# 2014-00023377

AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP
FOR
THE CARILLON HOUSE CONDOMINIUM

PLEASE CROSS MARGINAL REFERENCE WITH THE DECLARATION OF
CONDOMINIUM OWNERSHIP FOR THE CARILLON HOUSE
CONDOMINIUM RECORDED AT MICROFICHE NO. 73-208C05 OF THE
MONTGOMERY COUNTY RECORDS

PLAT MAP RECORDED AT PLAT BOOK 94, PAGE 10 ET SEQ., OF THE
MONTGOMERY COUNTY RECORDS.

SR

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE CARILLON HOUSE CONDOMINIUM**

WHEREAS, the Declaration of Condominium Ownership for The Carillon House Condominium (the "Declaration") and the Bylaws of The Carillon House Association, Inc. (the "Bylaws"), attached to and made part of the Declaration, were recorded at Montgomery County Records, Microfiche Number 73-208C05, and

WHEREAS, The Carillon House Association, Inc. (the "Association") is a corporation consisting of all Unit Owners in Carillon House Condominium and as such is the representative of all Unit Owners, and

WHEREAS, Declaration Section 24.3 authorizes amendments to the Declaration, and Bylaws Article XIII, Section 1 authorizes amendments to the Bylaws, and

WHEREAS, Unit Owners representing at least 75% of the Association's current voting power have executed instruments in writing setting forth specifically the matter to be modified (the "Amendment"), and

WHEREAS, the Association has in its records the signed, written consents to Amendment B signed by Unit Owners representing 80% of the Association's voting power as of April 3, 2014, and

WHEREAS, the Association has in its records the power of attorney signed by Unit Owners representing 80% of the Association's voting power authorizing the Association's officers to execute Amendment B on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration and Bylaws as required by Chapter 5311 of the Ohio Revised Code and the Declaration and Bylaws have in all respects been complied with.

NOW THEREFORE, the Declaration of Condominium Ownership for The Carillon House Condominium is hereby amended by the following:

AMENDMENT A

[Intentionally Left Blank - Amendment Proposal Still Pending]

AMENDMENT B

DELETE BYLAWS ARTICLE IV, SECTION 1 entitled, "Number," in its entirety. Said deletion to be taken from Page 10 of the Bylaws, attached to and made a part of the Declaration, as recorded at Montgomery County Records, Microfiche 73-208C05 et seq., and as amended at Instrument No. SP-I-09-043108.

INSERT a new BYLAWS ARTICLE IV, SECTION 1 entitled, "Number." Said new addition, to be added on Page 10 of the Bylaws, attached to and made a part of the Declaration, as recorded at Montgomery County Records, Microfiche No. 73-208C05, is as follows:

Section 1. Number. The Board of Directors will consist of seven persons, all of whom must be Unit Owners or the spouse of a Unit Owner and a member in good standing; provided that no one Unit may be represented by more than one person on the Board at any one time; and provided further that all Directors must remain in good standing, as defined below. If a Unit Owner is not an individual, that Unit Owner may nominate for the Board of Directors any principal, member of a limited liability company, partner, director, officer, or employee of that Unit Owner. Good standing requires that the member not be more than thirty days delinquent in the payment of any fees and/or Assessments owed to the Association. In addition to the provisions of Bylaws Article IV, Section 3, a majority of the remaining Board members may remove and replace any Board member who ceases to meet such good standing qualifications during his term.

DELETE BYLAWS ARTICLE IV, SECTION 2 entitled, "Term of Office," in its entirety. Said deletion to be taken from Page 10 of the Bylaws, attached to and made a part of the Declaration, as recorded at Montgomery County Records, Microfiche 73-208C05 et seq..

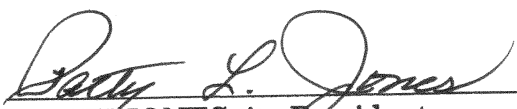
INSERT a new BYLAWS ARTICLE IV, SECTION 2 entitled, "Term of Office." Said new addition, to be added on Page 10 of the Bylaws, attached to and made a part of the Declaration, as recorded at Montgomery County Records, Microfiche No. 73-208C05, is as follows:

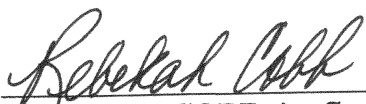
Section 2. Term of Office. All seven Directors will be elected for a three-year term, however, the terms will be staggered so that at least one-fifth of the Board will expire annually and a 3-2-2 rotation is maintained at all times. Each Director will hold office until his/her successor is elected, or until his/her earlier resignation, removal from office or death. Any Director may resign at any time by oral statement to that effect made at a meeting of the Board or in a writing to that effect delivered to the Secretary or President of the Association, such resignation to take effect immediately or at such other time as the Director may specify.

Any conflict between this provision and any other provisions of the Declaration and Bylaws will be interpreted in favor of this amendment regarding the number, qualifications, and, term, removal of Directors. The invalidity of any part of the above provision will not impair or affect in any manner the validity or enforceability of the remainder of the provision. Upon the recording of this amendment, only Unit Owners of record at the time of such filing have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge must be brought in the court of common pleas within one year of the recording of the amendment.

The Carillon House Association, Inc. has caused the execution of this instrument this 21st day of April, 2014.

THE CARILLON HOUSE ASSOCIATION, INC.

By: 
PATTY JONES, its President

By: 
REBEKAH COBB, its Secretary

STATE OF OHIO)
)
COUNTY OF _____) SS

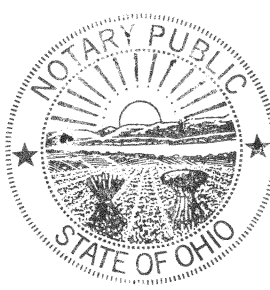
BEFORE ME, a Notary Public, in and for said County, personally appeared the above named The Carillon House Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument, on Page 4 of 5, and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Montgomery County, Ohio, this 21 day of April, 2014.



NOTARY PUBLIC

Place notary stamp/seal here:



CRAIG A. KENLEY, Notary Public
In and for the State of Ohio
My Commission Expires Aug. 30, 2014

This instrument prepared by:
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